

IS YOUR NAME ON THE LIST?

The Cases That Will be Tried During the Next Few Weeks.

MAY TERM OF THE CIRCUIT COURT.

A Full List of All Cases, Criminal and Civil, that Will be Heard in the Near Future before Judge Cooper, at the Term, Beginning on Monday Next.

The list of cases coming up for trial before Judge Cooper at the May term of the Circuit Court follows. The Court will open on Monday, at 10 A. M., for preliminary business.

Provisional Government vs. Chan Wa Heong; opium selling. Appeal from Honolulu District Court. Davidson for defendant.

Provisional Government vs. Hu Kong alias Ah Kong; perverting justice. Appeal from Honolulu District Court. Foster for defendant.

Provisional Government vs. Ah Han alias Lee Ho; unlawful possession of opium. Appeal from Honolulu District Court. Foster for defendant.

Provisional Government vs. Long John; violating Section 5, Act 21, Provisional Government Laws. Appeal from Honolulu District Court.

Provisional Government vs. Ah Gin and Loo Choy; unlawful possession of opium. Appeal from Honolulu District Court. Davidson for defendant.

Provisional Government vs. Ang Ghan; larceny third degree. Appeal from Honolulu District Court.

Provisional Government vs. Lu Cheong and three others; assault and battery. Appeal from Ewa District Court. Achi for defendant.

Provisional Government vs. E. Norrie; seditious libel. Appeal from Honolulu District Court. Creighton for defendant.

Provisional Government vs. Ah Sing; unlawful possession of opium. Appeal from Honolulu District Court.

Provisional Government vs. F. Smith; assault and battery. Appeal from Honolulu District Court. Kaukoku for defendant.

Provisional Government vs. B. Gallagher; mayhem.

HAWAIIAN JURY—CIVIL.

Maria Kaamaana vs. Keahi et al.; ejectment. C. W. Ashford for plaintiff; Kinney-Magoon for defendants.

Clio H. Newton et al. vs. S. Kaale et al.; ejectment. Kinney for plaintiff; Kane for defendant.

In re will of Charlotte Adams; probate appeal. C. Brown for proponent; Hartwell-C. W. Ashford for contestants-appellant.

Lucy Kila vs. S. K. Kila; ejectment. Achi for defendant.

M. Iaukea et al. vs. W. H. Cummings; case. Kaukoku for plaintiffs; Achi for defendant.

In re Estate of A. Akahi; petition to revoke probate of will. Appeal from order dismissing petition. Poepe for petitioner-appellant; Hatch-C. W. Ashford for Trustees B. P. Bishop Estate.

Kahakuakoi vs. Hawaiian Government; ejectment. Achi-Kahookauo for plaintiff; Hartwell-Hatch for defendant.

Annie L. Ulukou vs. Queen Dowager Kapiolani; assumpsit. W. R. Castle for plaintiff; Hatch for defendant.

Kaukai Kelley vs. Caroline Aniu; trespass on the case. Kaukai for plaintiff; Achi for defendant.

MIXED JURY.

Tatula L. Hayselden vs. Wahine-aea; ejectment. C. W. Ashford for plaintiff; Nawahi for defendant.

Ho Sun vs. Kukekakaulani; ejectment. C. W. Ashford for plaintiff; Kinney-Magoon for defendant.

Julia S. Rice et al. vs. Jonathan Spooner; ejectment. Kinney for plaintiffs; Carter & Carter for defendant.

J. I. Dowsett vs. Maueka et al.; ejectment. C. Brown for plaintiff; C. W. Ashford for defendants.

Frank Telles vs. Albert and Sarah Trask; replevin. Appeal from Honolulu District Court. C. W. Ashford for plaintiff-appellant; Rosa for defendant.

James Harvest vs. C. H. Luther et al.; ejectment. Poepe for plaintiff; C. Brown for defendants.

Asai vs. Helen Kaukai; damage. Appeal from Koolauloa District Court. Kane for defendant-appellant.

Asai vs. J. Kaili; damage. Appeal from Koolauloa District Court. Kane for defendant-appellant.

J. E. Gomes vs. Hawaiian Gazette Co.; trespass on case. C. W. Ashford for plaintiff; W. R. Castle for defendant.

Hawaiian Hardware Co. vs. D. L. Naone et al.; Peterson for plaintiff; Kinney-Magoon for defendant.

W. A. Kinney, administrator, vs. K. K. Pili; trover. Kinney for plaintiff; Poepe for defendant.

D. L. Kalawaia vs. L. A. Andrews; trespass. Appeal from Honolulu District Court. C. W. Ashford for plaintiff.

Jessie T. Naone vs. L. A. Andrews; case. V. V. Ashford for plaintiff.

John R. Silva vs. J. W. Kuaimoku; trespass on the case. Davidson for plaintiff; W. R. Castle for defendant.

Olowalu Sugar Co. vs. S. Kaalawa; ejectment. Hatch for plaintiff; Kinney for defendant.

Pipi et al. vs. McCandless Brothers; damages. Carter & Carter for defendants.

Gaspar Sylva vs. Malia Kala et al.; ejectment. Hartwell for plaintiff; C. W. Ashford for defendants.

Gaspar Sylva vs. Kalle et al.; ejectment. Hartwell for plaintiff.

Gaspar Sylva vs. Harriet Squires et al.; ejectment. Hartwell for plaintiff.

Gaspar Sylva vs. Mokuhia et al.; ejectment. Hartwell for plaintiff.

FOREIGN JURY—CIVIL.

Catherine Batchelor vs. C. B. Wilson; marshal; trespass. C. W. Ashford-Creighton for plaintiff; Hatch-Carter & Carter for defendant.

H. Wilgeroth vs. Ewa Plantation Company; damage. C. W. Ashford for plaintiff; Kinney for defendant.

Thomas Nott vs. C. T. Gulick; guardian; assumpsit. C. W. Ashford for plaintiff; Kinney for defendant.

Ing Choi vs. Ah Pong et al.; assumpsit. Castle for plaintiff; Peterson for defendants.

V. V. Ashford vs. Arthur Johnson; assumpsit. Appeal from Honolulu District Court; plaintiff in person. Magoon for defendant-appellant.

C. A. Brown vs. Bulletin Publishing Company; trespass on case. Hatch for plaintiff; C. W. Ashford for defendant.

HAWAIIAN JURY—CRIMINAL.

Provisional Government vs. Lilly Mahi; deserting husband. Appeal from Wailua District Court. Kinney for prosecution; C. W. Ashford for defendant.

Provisional Government vs. Kamanu (w); liquor selling without a license. Appeal from Honolulu District Court. C. W. Ashford for defendant.

Provisional Government vs. W. H. Cummings; assault and battery. Appeal from Honolulu District Court. Kaukoku with prosecution; Achi for defendant.

Provisional Government vs. E. A. Forbes; trespass. Appeal from Honolulu District Court. Johnson for defendant.

Provisional Government vs. David Watson; vagrancy. Appeal from Koolauloa District Court.

Provisional Government vs. David Watson; unlawful possession of opium. Appeal from Koolauloa District Court.

Provisional Government vs. Kanohakai; larceny, 1st degree.

Provisional Government vs. Thomas Spencer; forgery.

Provisional Government vs. Thomas Spencer; forgery.

Provisional Government vs. Kelii; unlawful possession of opium. Appeal from Honolulu District Court; Kaukoku for defendant.

Provisional Government vs. Puanani; liquor selling without license. Appeal from Honolulu District Court. Kaukai for defendant.

Provisional Government vs. R. Palau; liquor selling without license. Appeal from Honolulu District Court. Kaukai for defendant.

Provisional Government vs. Pahup; violating Section 1, Act 21, P. G. Laws. Appeal from Honolulu District Court. Kaukai for defendant.

Provisional Government vs. Nakai; violating Section 5, Act 21, P. G. Laws. Appeal from Honolulu District Court. Kaukai for defendant.

Provisional Government vs. Paoo; violating Section 1, Act 21, P. G. Laws. Appeal from Honolulu District Court. Kaukai for defendant.

Provisional Government vs. Aukai; larceny, 3d degree. Appeal from Honolulu District Court. Kaukai for defendant.

Provisional Government vs. Kahanaui; malicious injury. Appeal from Honolulu District Court. Kahookano for defendant.

Provisional Government vs. Kaluakini; liquor selling without license. Appeal from Honolulu District Court. Kaukai for defendant.

FOREIGN JURY—CRIMINAL.

Provisional Government vs. J. M. Vivas and J. Teixeira; libel, 1st degree. Foster with prosecution; Kinney for defendants.

Provisional Government vs. C. Pereira; common nuisance. Appeal from Honolulu District Court. Foster for defendant.

Provisional Government vs. E. Norrie; libel, 1st degree. Kinney with prosecution; Creighton for defendant.

Provisional Government vs. Wm. Patterson; assault and battery. Appeal from Ewa District Court. W. R. Castle for defendant.

Provisional Government vs. Wm. L. Mossman; embezzlement. V. V. Ashford for defendant.

Provisional Government vs. Ting Seng; unlawful possession of opium. Appeal from Honolulu District Court. Foster for defendant.

Provisional Government vs. Ing Tong; assault with dangerous weapon. Appeal from Honolulu District Court.

Provisional Government vs. Sam Quai; unlawful possession of opium. Appeal from Honolulu District Court.

Provisional Government vs. Ah Wing; unlawful possession of opium. Appeal from Honolulu District Court. Foster for defendant.

Provisional Government vs. Chun You; assault with dangerous weapon. Magoon for defendant.

Provisional Government vs. Kum Wan; escape.

Provisional Government vs. J. M. Radway; embezzlement.

Provisional Government vs. Joseph Caeceres; murder, 2nd degree. Magoon for defendant.

Provisional Government vs. Joseph Caeceres; assault with deadly weapon. Magoon for defendant.

Provisional Government vs. Ah Chai; perjury, 2nd degree.

Provisional Government vs. Ah Poe; unlawful possession of opium. Appeal from Honolulu District Court. Peterson for defendant.

Provisional Government vs. D. Ferreira; assault and battery. Appeal from Honolulu District Court. Kinney for defendant.

Provisional Government vs. R. C. Clark; violating Section 1, Act 21, P. G. Laws. Appeal from Honolulu District Court. Kaukoku for defendant.

Provisional Government vs. Ah Pi; assault and battery. Appeal from Honolulu District Court. V. V. Ashford for defendant.

Provisional Government vs. Wong Chong; unlawful possession of opium. Appeal from Honolulu District Court. Kaukoku for defendant.

Provisional Government vs. J. A. Magoon; assault and battery. Appeal from Honolulu District Court. Kinney for defendant.

Provisional Government vs. Ah Wai; embezzlement. Appeal from Honolulu District Court. Perry for defendant.

Provisional Government vs. Ah On and An Gee; assault and battery. Appeal from Honolulu District Court. Davidson for defendant.

Provisional Government vs. Ah Chew; opium selling. Appeal from Honolulu District Court.

Provisional Government vs. Ah On; unlawful possession of opium. Appeal

from Honolulu District Court. Davidson for defendant.

Provisional Government vs. Kim Tong; unlawful possession of opium. Appeal from Honolulu District Court. Davidson for defendant.

Jacob Lyons vs. J. Hubash and C. Batchelor; assumpsit. Carter & Carter for plaintiff; C. W. Ashford for defendant Batchelor.

Louisa Rodriguez vs. Domingos Gomes; covenant. Carter & Carter for plaintiff; C. W. Ashford for defendant.

L. Ahlo vs. Tai Lung; assumpsit. C. W. Ashford for plaintiff; Hatch for defendant.

S. A. Newell vs. J. M. Horner; action on foreign judgment. Neumann for plaintiff; C. W. Ashford for defendant.

William A. Dyer vs. Hop Yune Company; assumpsit. C. Brown for plaintiff; C. W. Ashford for defendant.

H. R. Macfarlane vs. Ira A. Lowell; assumpsit. Carter & Carter for plaintiff; Hatch for defendant.

Hawaiian Lodge vs. F. H. Redward; assumpsit. Carter & Carter for plaintiff; C. W. Ashford for defendant.

T. W. Rawlins vs. Honolulu Soap Works Company; damages. C. Brown-Kinney for plaintiff; Hartwell-Hatch for defendant.

Ralph R. Foster vs. H. M. Hayward; trespass on the case. Foster for plaintiff; Neumann for defendant.

Thomas Nott vs. A. McDowell et al.; assumpsit. Appeal from Honolulu District Court. Kinney for plaintiff-appellant; V. V. Ashford for defendants.

Higashi vs. Pacific Sugar Mill; case. Neumann-Foster for plaintiff; Hatch for defendant.

Julia J. Freitas vs. Joao F. Souza; breach of promise of marriage. Magoon for plaintiff; C. W. Ashford for defendant.

J. A. Magoon vs. Yee King Tong; ejectment. Magoon for plaintiff; Davidson for defendant.

JURY WAIVED.

Hoomana Kaao vs. Wm. Norton; replevin. Appeal from Honolulu District Court. Wakefield for plaintiff-appellant; Carter & Carter for defendant.

Allen & Robinson vs. G. W. Lincoln et al.; assumpsit. Hatch for plaintiff; Magoon-Kinney for defendants.

Kamai vs. Anima; assumpsit. Appeal from Honolulu District Court. Kaukai for plaintiff; Achi for defendant-appellant.

F. H. Redward vs. Mrs. B. Frieman; assumpsit. Appeal from Honolulu District Court. Magoon for plaintiff; Neumann for defendant-appellant.

John Nott vs. G. W. Lincoln et al.; assumpsit. Magoon for plaintiff; Hatch-Kinney for defendants.

Honolulu Steam Planing Mill vs. P. Muhendorf et al.; assumpsit. Magoon for plaintiff; Hatch Kinney for defendant.

Lee King vs. D. K. Puh; assumpsit. Appeal from Honolulu District Court. V. V. Ashford for plaintiff; W. R. Castle for defendant-appellant.

Mrs. C. Batchelor vs. Phil Braun; assumpsit. Appeal from Honolulu District Court. Kinney for plaintiff; Creighton for defendant-appellant.

Y. Ah Yau vs. J. K. Iaukea; damage. Appeal from Honolulu District Court. Achi for plaintiff-appellant; Kaukoku for defendant.

William Kaunahi vs. Ah Chew; trespass. Appeal from Honolulu District Court. Kaukoku for plaintiff; Carter & Carter for defendant-appellant.

M. A. Goncalves & Co. vs. Luiz Andrade; assumpsit. Appeal from Honolulu District Court. Johnson for plaintiff; Magoon for defendant-appellant.

Almira M. Kahanani vs. C. B. Miles; action on contract. V. V. Ashford for plaintiff-appellant; Kinney for defendant.

Cheong Tai vs. David Watson; damages. Appeal from Koolauloa District Court. Achi for defendant-appellant.

Ching On vs. F. Ludoviko; assumpsit. Appeal from Honolulu District Court. Magoon for plaintiff; Kaukoku for defendant-appellant.

Ching Sing vs. Lau Bon; assumpsit. Appeal from Honolulu District Court. Carter & Carter for plaintiff; V. V. Ashford for defendant-appellant.

Kalei Maunaloa vs. Kealohapuaole Makahi; replevin. Appeal from Wailua District Court.

Lau Lam Chan vs. Lau Ho; assumpsit. Appeal from Honolulu District Court. Magoon for plaintiff-appellant; W. R. Castle for defendant.

L. B. Kerr vs. John Good et al.; assumpsit. Appeal from Honolulu District Court. Parke for plaintiff; C. W. Ashford for defendant-appellant.

E. B. Hoakano vs. Ah Soon; damages. Appeal from Koolauloa District Court. Achi for plaintiff-appellant.

W. H. Rickard vs. S. M. Kaaukai; assumpsit. Appeal from Honolulu District Court. Kahookano for plaintiff; Achi for defendant-appellant.

Wailuu Kekaula vs. S. M. Kaaukai; assumpsit. Appeal from Honolulu District Court. Johnson for plaintiff; Achi for defendant-appellant.

H. N. Crabbe vs. E. G. Hitchcock; Marshal; replevin. Appeal from Honolulu District Court. A. M. Brown for defendant-appellant.

DIVORCES AND SEPARATIONS.

Kuhinu (w), vs. Kalepe. Rosa for plaintiff; C. Brown for defendant.

Lilly Mahi vs. Maka Mahi. C. W. Ashford for plaintiff; Kinney for defendant.

M. Keliinulama (w), vs. K. Kaona. Kaukai for plaintiff; Creighton for defendant.

H. G. McGrew vs. Alphonsine McGrew. Hartwell-Carter & Carter for plaintiff; C. W. Ashford-Wakefield for defendant.

D. J. L. Mattos vs. Antonio R. Nunes. Kaukoku for plaintiff.

Aukukino vs. Kinkaku (w). Kahookano for plaintiff.

Alice L. Hutchinson vs. Edson L. Hutchinson. Magoon for plaintiff.

Kea (k), vs. Kaike. W. R. Castle for plaintiff.

D. K. Kamiki vs. Mele Kamiki. Poepe for plaintiff.

Kaunulani (w), vs. Kaunohia. Kaukai for plaintiff.

Kuphealili (w), vs. Kawabae. Kane for plaintiff.

Hereafter the reception day of the ladies of the Hawaiian Hotel will be Fridays instead of Mondays. They will not receive today.

In the Supreme Court of the Hawaiian Islands.

In Vacation.

TAKEHITA MATSUJI, PLAINTIFF. E. G. HITCHCOCK, MARSHAL, AND H. P. FAYE & CO., DEFENDANTS.

SUBMISSION OF CASE WITHOUT ACTION.

BEFORE JUDD, C.J., BICKERTON AND FEAR, JJ.

The plaintiff was brought before a district magistrate the second time for refusing to serve under his contract and was fined ten dollars.

Held, that the sentence was illegal, the statute providing for a fine not exceeding five dollars.

OPINION OF THE COURT BY BICKERTON, J.

This matter comes here on an agreed statement of facts. The submission is as follows:

"That on the complaint of the said H. P. Faye & Co. the said Takeshita Matsui was brought before J. K. Kapuniai, Esq., District Magistrate of Waimea, Kauai, on the charge of refusing for a second time to perform labor under a written contract between him and the said complainants, and was found guilty of said refusal, and sentenced to pay a fine of \$10 with \$1.95 costs, and a mittimus was issued by said Magistrate to the Marshal accordingly, directing that the said Takeshita Matsui be imprisoned at hard labor until said fine and costs be paid,—all of which occurred on the 24th day of February, A. D. 1894.

"That the said Takeshita Matsui had been once arrested for similar refusal to serve, and in obedience to the order of the magistrate had returned to service of his said employers, and had again, but only once, thereafter willfully absented himself from such service, so that by law he could for such first offence have been fined not exceeding five dollars, and that the charge so made as afore-said did not specify or state, nor did the evidence show, that he had committed a second offence of again willfully absenting himself from such service.

"Wherefore the plaintiff claims that his said sentence was illegal and ought to be so declared, and the said H. P. Faye & Co., so admit and agree, and have requested the said Marshal to discharge him from custody under said mittimus, and the said Marshal is ready and desirous to do so, upon obtaining from the Court an adjudication to that effect, but not otherwise.

"The defendants severally agree that they honor the Justices of the Supreme Court may decide the question of the legality of said sentence, as if the same were brought up by appeal, bill of exceptions, writ of error or on habeas corpus."

This whole matter is controlled by the statute which is clear. The case bears of no argument; it is clearly an error or misunderstanding of the law by the district magistrate. Chapter LXIII Laws 1892, provides that any person refusing to serve according to the terms of his contract, shall be taken before a magistrate and if he persists in the refusal he shall be committed to prison at hard labor until he will consent to serve according to law. And if he shall return to service in obedience to the order of the magistrate and shall again willfully absent himself from such service without leave of his master, the magistrate "may fine such offender for the first offence not exceeding five dollars and for the second offence, not exceeding ten dollars." Where an offender is brought before the magistrate a second time, the statute makes it the first offence, and the third time the second offence; so it is clear that this defendant should have been fined not to exceed five dollars. The magistrate in fining him ten dollars imposed an illegal sentence, and the plaintiff defendant below should be discharged.

A. S. Hartwell for plaintiff, A. M. Brown for the Marshal, G. K. Wilder for Faye & Co. Honolulu, April 30, 1894.

"Fair Adelaide."

By the Alameda, arrived a copy of "Fair Adelaide," a book descriptive of the city of Adelaide, the capital of South Australia. The volume is illustrated by the Crisp Photo process, which is the same as that to be used in "The Hawaiian Revolution." It is a beautiful volume, and well worthy of all the praise it has received from the Australian press.

The book, which consists of some 200 or more pages, shows views of the city, together with illustrations of many of the various business houses. The work is excellent, and is deserving of much favorable comment.

A lady at Tooleys La., was very sick with bilious colic when M. C. Tiler, a prominent merchant of the town gave her a bottle of Chamberlain's Colic Cholera and Diarrhoea Remedy. He says she was well in forty minutes after taking the first dose. For sale by all Medicine Dealers. BENSON, SMITH & Co., Agents for H. I.

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